THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 11366 of 2006

09-06-2006

Between:-

Sri Medala Valasa Bhaskara Rao

Petitioner

And

The Government of A.P., rep., by the Commissioner, Endowments Department, Hyderabad and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 11366 of 2006

Oral order:

The petitioner was the cultivating tenant of wet lands ad-measuring Ac.06-50 cents in R.S. Nos. 806/3, 808/5, 827/3 and 854/1 of Kaikaram village, Unguturu mandal, West Godavari district belonging to the Guttikonda Venkanna Choultry. The lease was for a period of three years -- 2003-04 to 2005-06. The period for which the petitioner was granted lease of the lands is coming to a close. The petitioner claims to have suffered a loss in the previous year due to adverse climatic conditions. He therefore made an application on 06-06-

2006 to the 2nd respondent for extension of the lease period by one more year to offset the loss suffered by him during the previous year. Alleging that the representation is yet to be disposed of, he filed the writ petition, within forty eight (48) hours (of making the representation), on 08-06-2006 seeking a direction to the respondents to permit him to cultivate the lands till June, 2007. In substance, the petitioner seeks a Mandamus for extension of lease by this court, a relief that is beyond the province of this court under Article 226 of the Constitution of India or in exercise of the judicial power of the State.

Under the provisions of the relevant statutory rules made under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), it is only the Commissioner of Endowments that can approve/grant leases of immoveable properties belonging to Hindu religious endowments or charitable institutions, otherwise than by way of public auction.

As the petitioner has submitted an application to the 2nd respondent, the 2nd respondent is directed to forward the same to the 1st respondent (the competent authority) and the 1st respondent may consider, within the spectrum of his statutory discretion whether a case is

made out by the petitioner for granting him lease of the lands in question otherwise than by way of public auction. The leases of the lands of the Devasthanams now proposed, cannot however be interdicted on the basis of any material placed in this writ petition.

In the aforesaid circumstances, and after hearing the learned counsel for the petitioner and the learned Government Pleader, the writ petition itself is disposed of declining the principal relief claimed by the petitioner. The application made by the petitioner to the 2nd respondent on 06-06-2006 shall be forwarded by the 2nd respondent to the 1st respondent and the same shall be considered by the 1st respondent as an application made to the said respondent. The 1st respondent may consider expeditious disposal of the representation of the petitioner. Nothing in this order shall be construed as an expression by this court on the merits of the petitioner's claim. The writ petition is accordingly disposed of. No costs.

GODA RAGHURAM, J

Dated:09-06-2006
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